

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Nos. 3:07-CR-239-BR
3:08-CR-93-BR

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
DAVID A. HAGEN)	

This matter is before the court on defendant's *pro se* motion to compel defense counsel to comply with the court's 7 April 2009 order, including the request that the exhibit attached be filed under seal.¹ Counsel Steven T. Meier filed an affidavit in response to the motion. The court has considered these filings as well as the transcript of the status conference held before Magistrate Judge David Keesler on 23 April 2009.

The court notes that Meier is currently serving in the capacity of standby counsel. It appears from the record that Meier is undertaking his obligations in accordance with the court's prior order. The fact that defendant may disagree with Meier's trial strategy does not necessarily make Meier's assistance ineffective. The court will not second guess what amounts to strategic decisions on the part of counsel.

The motion to compel is DENIED. The court GRANTS defendant's request that Exhibit A to the motion be filed under seal. The Clerk is DIRECTED to serve a copy of this order upon

¹Defendant filed the motion in Case No. 3:07-CR-239, the case in which a criminal complaint and then bill of information were filed against defendant. The court presumes the filing in that case was inadvertent and that defendant intended to file the motion in the instant case, wherein he has been indicted and is pending trial. Hence the court's reference to both case numbers in the caption.

defendant and file Exhibit A attached to docket entry 27 in Case No. 3:07-CR-239 under seal.

This 27 April 2009.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge